



## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## THERAPEUTIC AGENTS FOR TREATING OR PREVENTING PAIN

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on (if applicable)
- ☒ was filed in the United States on June 27, 2003 as Application No. 10/607,563 (for declaration not accompanying application) with amendment(s) filed on (if applicable)
- ☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES <input type="checkbox"/>	NO <input type="checkbox"/>
			YES <input type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/391,962	June 28, 2002
60/411,030	September 17, 2002
60/413,148	September 25, 2002
60/416,582	October 8, 2002

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* for use only when the application is assigned to a company, partnership or other organization.

SEND CORRESPONDENCE TO		PENNIE & EDMONDS LLP 1667 K Street, N.W. Washington, D.C. 20006 PTO Customer No. 20582		DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS LLP DOCKETING (202) 496-4400	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
2 0 1	FULL NAME OF INVENTOR	LAST NAME KYLE	FIRST NAME Donald	MIDDLE NAME J.	
	RESIDENCE & CITIZENSHIP	CITY Newtown	STATE OR FOREIGN COUNTRY PA	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 29 Weatherfield Drive	CITY Newtown	STATE OR COUNTRY PA	ZIP CODE 18940
	SIGNATURE OF INVENTOR 201			DATE 11/05/03	
2 0 2	FULL NAME OF INVENTOR	LAST NAME SUN	FIRST NAME Qun	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Princeton	STATE OR FOREIGN COUNTRY NJ	COUNTRY OF CITIZENSHIP <del>China</del> USA	
	POST OFFICE ADDRESS	STREET 19 Aldgate Court	CITY Princeton	STATE OR COUNTRY NJ	ZIP CODE 08540
	SIGNATURE OF INVENTOR 202			DATE 11/10/2003	
2 0 3	FULL NAME OF INVENTOR	LAST NAME TAFESSE	FIRST NAME Laykea	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Robbinsville	STATE OR FOREIGN COUNTRY NJ	COUNTRY OF CITIZENSHIP Ethiopia	
	POST OFFICE ADDRESS	STREET 11 Abbington Lane	CITY Robbinsville	STATE OR COUNTRY NJ	ZIP CODE 08691
	SIGNATURE OF INVENTOR 203			DATE 11/06/03	
2 0 4	FULL NAME OF INVENTOR	LAST NAME ZHANG	FIRST NAME Chongwu	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Dayton	STATE OR FOREIGN COUNTRY NJ	COUNTRY OF CITIZENSHIP China	
	POST OFFICE ADDRESS	STREET 503 Yarrow Circle	CITY Dayton	STATE OR COUNTRY NJ	ZIP CODE 08810
	SIGNATURE OF INVENTOR 204			DATE 11/6/03	
2 0 5	FULL NAME OF INVENTOR	LAST NAME ZHOU	FIRST NAME Xiaoming	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Plainsboro	STATE OR FOREIGN COUNTRY NJ	COUNTRY OF CITIZENSHIP China	
	POST OFFICE ADDRESS	STREET 22 Dogwood Drive	CITY Plainsboro	STATE OR COUNTRY NJ	ZIP CODE 08536
	SIGNATURE OF INVENTOR 205			DATE 11/07/03	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Donald J. Kyle et al.

Confirmation No.: 5149

Serial No.: 10/607,563

Art Unit: 162

Filed: June 27, 2003

Examiner: To be assigned

For: THERAPEUTIC AGENTS USEFUL  
FOR TREATING PAIN

Attorney Docket No.: 6750-173-999

SUBMISSION OF POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith is a Powers of Attorney which has been duly executed by Douglas DOCHERTY, an authorized representative of the assignee.

No fee is believed to be required for this response. Should any fee be required, however, please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Date: December 4, 2003

Respectfully submitted,

Paul E. Dietze  
For. Samuel B. Abrams

Reg. No. 45,627  
Reg. No. 30,605

**PENNIE & EDMONDS** LLP  
1667 K Street, N.W.  
Washington, D.C. 20006  
(202) 496-4400

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of: Donald J. KYLE et al. Confirmation No.: 5149

Serial No.: 10/607,563 Art Unit: 161

Filed: June 27, 2003 Examiner: To Be Assigned

For: THERAPEUTIC AGENTS USEFUL FOR Attorney Docket No.: 6750-173-999  
TREATING OR PREVENTING PAIN

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Barry D. Rein (Reg. No. 22411), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Rory J. Radding (Reg. No. 28749), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Michael J. Lyons (Reg. No. 37386), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), Kenneth L. Stein (Reg. No. 38704), Andrew J. Gray (Reg. No. 41796), Henry C. Lebowitz (Reg. No. 36196), Leo Merken (Reg. No. 41192), Margaret B. Brivanlou (Reg. No. 40922), David R. Owens (Reg. No. 40756), Matthew E. Langer (Reg. No. 36343), Karen G. Horowitz (Reg. No. 35199), T. Christopher Tsang (Reg. No. 40258), Carl P. Bretscher (Reg. No. 41635) and Laurie A. Axford (Reg. No. 35053), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to customer no. 20582.

I am the:

- ☐ Applicant/Inventor
- ☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
(Statement under 37 CFR 3.73(b) is applicable)

**Statement Under 37 C.F.R. 3.73(b)**

states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above,  
to the current assignee as shown below:

1. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

2. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

3. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

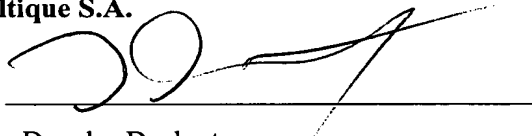
☐ Copies of assignments of other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

**ASSIGNEE: Euro-Celtique S.A.**

Date: Nov. 28, 2003

Signature:



Typed Name:

Douglas Docherty

Position/Title:

Director  
122., Boulevard De La Petrusse  
L-2330 Luxembourg

Address:

## ASSIGNMENT

WHEREAS, WE,

Donald J. KYLE, citizen of the United States, residing at 29 Weatherfield Drive, Newton, PA 18940;

Qun SUN, citizen of China, residing at 19 Aldgate Court, Princeton, NJ 08540;

Laykea TAFESSE, citizen of Ethiopia, residing at 11 Abington Lane, Robbinsville, NJ 08691;

Chongwu ZHANG, citizen of China, residing at 503 Yarrow Circle, Dayton, NJ 08810; and

Xiaoming ZHOU, citizen of China, residing at 22 Dogwood Drive, Plainsboro, NJ 08536

ASSIGNORS, are the inventors of the invention in **THERAPEUTIC AGENTS USEFUL FOR TREATING OR PREVENTING PAIN** for which we have executed an application for a Patent of the United States

- ☐ which is executed on ☐ even date herewith or ☐  
☒ which is identified by Pennie & Edmonds LLP docket no. 6750-173-999  
☒ which was filed on June 27, 2003, as Application No. 10/607,563  
☐ We hereby authorize and request our attorney, , of Pennie & Edmonds, LLP, , to insert here in parentheses (Application number, \_\_\_\_\_ filed \_\_\_\_\_) the filing date and application number of said application when known.

and WHEREAS, **EURO-CELTIQUE S.A.**, ASSIGNEE, having a place of business at 122 Boulevard De La Petrusse, L-2330, Luxembourg, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 11/05/03, 2003

State of New Jersey,  
 County of Middlesex ) SS.:

On November 5, 2003, before me, Michelle A. Harris, Notary Public, personally appeared Donald J. Kyle; personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Michelle A. Harris  
 MICHELLE A. HARRIS  
 Notary Public of New Jersey  
 My Commission Expires 07/17/2003

Date Nov. 10th, 2003

L.S.

State of New Jersey )  
County of Middlesex ) SS.:

On November 10, 2003, before me, Michelle Harris, Notary Public, personally appeared Qun SUN; personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

MICHELLE A. HARRIS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 07/17/2008

Date November 6th, 2003

L.S.

State of New Jersey )  
County of Middlesex ) SS.:

On November 6, 2003, before me, Michelle A. Harris, Notary Public, personally appeared Laykea TAFESSE, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

MICHELLE A. HARRIS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 07/17/2008

Date 11/7/03, 2003

L.S.

State of New Jersey )  
County of Middlesex ) SS.:

On November 7, 2003, before me, Michelle A. Harris, Notary Public, personally appeared Chongwu ZHANG, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

MICHELLE A. HARRIS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 07/17/2008

Date November 7, 2003

L.S.

State of New Jersey )  
County of Middlesex ) SS.:

On November 7, 2003, before me, Michelle A. Harris, Notary Public, personally appeared Xiaoming ZHOU, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

MICHELLE A. HARRIS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 07/17/2008